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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/737,341	12/15/2000	James C. Colson	157-956	9182

35236 7590 09/01/2004

THE CULBERTSON GROUP, P.C.  
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SUITE 420  
AUSTIN, TX 78746

EXAMINER

NGUYEN, CAM LINH T

ART UNIT	PAPER NUMBER
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2171

DATE MAILED: 09/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/737,341	COLSON ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	CamLinh Nguyen	2171	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 – 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Boothby et al (U.S. 6,212,529).

♦ As per claim 1, 7, 14,

Boothby discloses a synchronization system that allows the user to create filters to be used in the synchronization process (col. 5, lines 14 – 20). The filters are previously created and stored in the database (See col. 7, lines 14 – 17, Boothby). Boothby teaches that:

- “In response to a sync session request from a client device, reading a selected prioritization schema associated with a user initiating the sync session request” See claim 1, col. 23, lines 20 – 37, col. 11, lines 24 - 30. In particular:
  - A sync session request corresponds to the request that the Network computer send to the server to execute the synchronization process (see Fig. 5, col. 7, lines 6 – 10, Boothby).
  - Applicant defined the “prioritization schema” as a predefined scheme. The “filters” in Boothby also a predefined scheme and is stored in database (See col. 7, lines 14 – 17, Fig. 6, element 42). The “filters” includes the conditional or rule

that applied for each record (see Fig. 8 - 9, col. 6, lines 20 – 24, col. 10, lines 65 – col. 11, lines 20, Boothby). Therefore, the “prioritization schema” corresponds to the filters in Boothby.

- “The selected prioritization scheme comprising a scheme of prioritization among data included in a set of objective data remote from the client device to produce a prioritized data set” See Fig. 6, 8 and correspond text. In Fig. 6, the user can select a particular filter among other available filters. Where each filter included a set of objective data remote from the client.
- “Retrieving schema effecting data necessary in effecting the selected prioritization schema” See claim 1, col. 23, lines 20 – 37, col.11, and lines 24 – 30, Boothby.
- “Producing a prioritized data set based on the selected prioritization schema” col. 11, lines 31 – 34, Boothby.

◆ As per claim 2, 8, 15, Boothby discloses:

- “Enabling a user to choose the selected prioritization schema from the plurality of available prioritization schemas”. See Fig. 6 – 8, col. 7, lines 10 – 12, Boothby.

◆ As per claim 3, 16, Boothby discloses:

- “Enabling the user to choose an additional selected prioritization scheme”. Again, there are plurality of resources in the server; therefore, the user can also choose additional scheme such as specifies additional resources to synchronize.

◆ As per claim 4, 9, 17, Boothby discloses:

- “Retrieving a particular prioritization formula from a plurality of stored ... parameter” see Fig. 8 – 9, col. 10, lines 65 – col. 11, lines 20, Boothby.

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- “Applying the retrieved prioritization formula... data set” col. 11, lines 31 – 34,  
Boothby.

◆ As per claim 5 – 6, 10 – 11, 18 – 20, Boothby discloses:

- “Recognizing request characteristics from the received sync session...” Fig. 2, 5 teach about the determining the request characteristics. When the system starts the synchronization process, it must check for identification for the requesting user, the client device type (col. 5, lines 45 – 62). From these characteristics, the database will retrieve the corresponded table or parameters from the storage.
- “Using the recognized request characteristics in retrieving ...” col. 11, lines 31 – 34,  
Boothby.

◆ As per claim 12 – 13, Boothby discloses:

- “Metadata collection program code” and “the data retrieval program” See Fig. 2, col. 5, lines 45 – col. 6, lines 65.

◆ As per claim 21 – 22, Boothby discloses:

- “A prioritization scheme storage” See Fig. 2.
- Fig. 2 is a system comprises a data processing device, and it clearly operating under the control or operational software

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1- 22 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

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2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CamLinh Nguyen whose telephone number is 703 - 305-1951.

The examiner can normally be reached on Monday-Friday.

From October 25, 2004, the Examiner can be reached at a new phone number: 571 – 272 – 4024.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 308-1436. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Cam-Linh Nguyen

Art Unit 2171

  
SAFET METJAHIC  
SUPERVISORY PATENT EXAMINER  
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